

COPY in 416--2

opinion

1957

January 14

His Excellency Lane Dwinell  
Governor of New Hampshire  
State House  
Concord, New Hampshire

Dear Governor Dwinell:

You have requested our opinion on the  
vote of the Board of Trustees, Laconia State School, dated January  
8, 1957, which recites as follows:

"Voted to request approval of the Governor and  
Council to sell the property belonging to the  
Laconia State School as listed in the Survey of  
Unused Institutional Land . . . . with the under-  
standing of the Board of Trustees that each  
specific parcel will be advertised for bids and  
all bids are subject to acceptance or rejection  
by the Board of Trustees."

It is the opinion of this office that  
this vote constitutes a request by the Board and if you and the  
Council decide to sell such unused land, you may do so without refer-  
ence to the "understanding" in the Board's vote.

Under the provisions of RSA 10:1, the  
"ultimate authority" over the Laconia State School, including all  
real and personal estate used in connection therewith, is vested  
in the Governor and Council. In addition, section 4 of said chapter  
provides:

"Upon request of said boards (of trustees) the  
Governor and Council may . . . sell . . . insti-  
tutional lands . . ."

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CONCORD, N.H.

His Excellency Governor Lane Dwinell

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In view of the complexity of the problem of advertising such land for sale, it is my suggestion that you appoint a committee to do the preliminary work including such title work as is necessary together with securing adequate descriptions of the several parcels of land, so that prospective bidders may know what the limits of the land are. All final bids should be accepted by the Governor and Council. My suggestion for such a committee would be Alvin V. Kibby, Farm Supervisor and John Languir, your Administrative Assistant. Enclosed please find copy of a suggested Resolution for your meeting.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AEB,Jr/T  
Enc.